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GIFTS — GIFTS INTER VIVOS — WHETHER DELIVERY OF BILL OF SALE IS SUFFICIENT. — The defendant's wife delivered to him a bill of sale of all her personal property. She died having made no manual delivery of the property. Her administratrix sued to recover it. *Held*, that the gift to the defendant is valid. *Humphrey* v. *Ogden*, 125 Pac. 110 (Colo.).

Livery of seisin was originally necessary to pass title to personalty. See *Cochrane* v. *Moore*, 25 Q. B. D. 57, 65. Later a valid gift could be made by a deed sealed and delivered. *Wyche* v. *Greene*, 11 Ga. 159. The statute in Colorado declaring seals unnecessary in conveying real property, leads naturally to the decision in the principal case, as the law has in general demanded less formality in conveying personal property. See THORNTON, GIFTS, § 190, n. 1; COLO., REV. STAT., 1908, § 682. For instance, in Alabama a sealed instrument was held necessary for a valid gift in the absence of a statute abolishing seals. *Connor* v. *Trawick*, 37 Ala. 289. But under a statute similar to that in Colorado a written instrument was held sufficient. *Walker* v. *Crews*, 73 Ala. 412. This view seems just, for a man should be able to pass title to personalty in any way he wishes, provided it is sufficiently formal and definite to insure against fraud and mistake. A bill of sale formally declaring the passing of the title fulfils such requirements. The decision in the principal case seems, therefore, a convenient and safe result of the change in the importance of seals. *Tierney* v. *Corbett*, 2 Mackey (D. C.) 264.

HIGHWAYS — ESTABLISHMENT — PECUNIARY INTEREST OF COMMISSIONER. — A board of freeholders authorized by statute to lay out public highways decided by resolution to alter the location of a road to a position over the lands of one of its members who participated in the passage of the resolution. *Held*, that the resolution is voidable. *Van Gelder* v. *Freeholders of Cape May County*, 83 Atl. 500.

It is a universally recognized principle that personal interest in the subject matter of a controversy will disqualify a judge from passing thereon. *Dimes* v. *Grand Junction Canal Co.*, 3 H. L. Cas. 759. A distinction is made between municipal or other local resolutions relating to all the inhabitants or property within the jurisdictional limits and those which provide for improvements affecting particular individuals or property in one locality, the former being held within the legislative functions of the administrative board and the latter to be determinations judicial in nature. *State, West Jersey Traction Co.* v. *Board of Public Works of the City of Camden*, 56 N. J. L. 431, 29 Atl. 163. *Contra, Foot* v. *Stiles*, 57 N. Y. 399. Thus, as in the principal case, the acts of commissioners having an interest in the laying out of a particular highway are usually held voidable. *Petition of New Boston*, 49 N. H. 328; *State* v. *Delesdernier*, 11 Me. 473. But the interest must be direct. *Mitchell* v. *Holderness*, 29 N. H. 523. Thus the fact of being a resident of the town through which the road is to pass will not disqualify a commissioner from acting. *Inhabitants of Danvers* v. *County Commissioners of Essex*, 43 Mass. 185. *Cf. Monterey* v. *Commissioners of Berkshire*, 61 Mass. 394. It is submitted that the authorities taking a view opposite to that in the principal case limit unduly the field of judicial functions.

HUSBAND AND WIFE — RIGHTS AND LIABILITIES OF HUSBAND AS TO THIRD PARTIES — ACTION FOR PHYSICAL ILLNESS OF WIFE CAUSED BY PUBLICATION OF LIBELOUS WORDS. — The defendant published libelous words regarding the plaintiff's wife, and the mental anguish caused thereby resulted in her physical illness. *Held*, that the plaintiff can recover for loss of services. *Garrison* v. *Sun Printing and Publishing Association*, 150 N. Y. App. Div. 689.

As a general proposition, intentional harm is actionable. *Wilkinson* v. *Downton*, [1897] 2 Q. B. 57; *Ratcliffe* v. *Evans*, [1892] 2 Q. B. 524. Here the

plaintiff has a property right in the services of his wife, which has been damaged by the act of the defendant. *Booth* v. *Manchester St. Ry. Co.*, 73 N. H. 529, 63 Atl. 578; *Blaechinska* v. *Howard Mission*, 130 N. Y. 497, 29 N. E. 755. The defendant intended to harm the plaintiff's wife, and the result is no less intentional because the harm is of a different variety from that expected. Therefore the plaintiff's damage, being a certain result of such harm to his wife, is an intentional consequence of the defendant's act. *State* v. *Patterson*, 116 Mo. 505, 22 S. W. 696. But when the injury is caused through the medium of loss of reputation in the community the technicalities of libel and slander limit the recoverable consequences of defamatory words. When the defendant's words are defamatory and not actionable *per se*, physical damage of the person libeled has been held a too remote consequence to be compensated. *Allsop* v. *Allsop*, 5 H. & N. 534. Yet the same damage has been held proximate and the common tests of causation applied when the words were actionable *per se*. *Burt* v. *McBain*, 29 Mich. 260; *Van Ingen* v. *Star Co.*, 1 App. Div. 429, aff'd 157 N. Y. 695, 51 N. E. 1094. Accordingly a result different from that of the principal case has been reached in a similar action where the words spoken were not actionable *per se*. *Terwilliger* v. *Wands*, 17 N. Y. 54. Otherwise the husband would recover where the wife herself is barred. But in the principal case, the technical objections being absent, the defendant is properly liable.

HUSBAND AND WIFE — RIGHTS OF WIFE AS TO THIRD PARTIES — ACTION FOR LOSS OF CONSORTIUM. — The defendant sold morphine to the plaintiff's husband, in spite of her repeated protests, until by its use he became mentally unbalanced. *Held*, that the wife may recover for loss of *consortium*. *Flandermeyer* v. *Cooper*, 98 N. E. 102 (Oh.). See NOTES, p. 74.

The defendant by his negligence injured the plaintiff's husband. *Held*, that the wife may not recover for loss of *consortium*. *Brown* v. *Kistleman*, 98 N. E. 631 (Ind.). See NOTES, p. 74.

INJUNCTIONS — ACTS RESTRAINED — INFRINGEMENT OF PATENT BY PUBLIC OFFICERS. — The complainant filed a bill to restrain county commissioners from using, in a courthouse, a ventilating device which infringed on his patent. *Held*, that the injunction should be granted. *McCreery Engineering Co.* v. *Massachusetts Fan Co.*, 195 Fed. 498 (C. C. A., First Circ.).

This decision reverses that of the circuit court. See 24 HARV. L. REV. 155.

INSURANCE — AMOUNT OF RECOVERY — PRO RATA CLAUSE: OPERATION IN POLICIES NOT COEXTENSIVE. — Each of two policies of insurance on two distinct houses stipulated that the defendant should not be liable for a greater proportion of the loss than the amount for which the defendant insured the house in each case bore to the whole insurance thereon. A third policy issued by another company insured the two houses as one. *Held*, that the blanket policy should be regarded as insuring to its entire amount the house insured by one policy and as insuring to the entire amount remaining after deducting the amount paid on the first house, the house covered by the second policy. *Grollimund* v. *Germania Fire Ins. Co.*, 83 Atl. 1108 (N. J.). See NOTES, p. 80.

INTERSTATE COMMERCE — CONTROL BY STATE — STATUTE REQUIRING CONVICT-MADE GOODS TO BE LABELED. — A statute required that all goods made by convict labor should be labeled as such before being exposed for sale. *Held*, that the statute is unconstitutional. *In re Opinion of the Justices*, 98 N. E. 334 (Mass.). See NOTES, p. 78.

LIBEL AND SLANDER — PRIVILEGED COMMUNICATIONS — PUBLICATION OF OFFICIAL OPINION OF ATTORNEY GENERAL. — The Attorney General's official opinion that the owners of a race track were guilty of a felony, through the